

Spady

ORDINANCE 92-1

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATER AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

BAYVIEW WATER AND SEWER DISTRICT
KOOTENAI COUNTY, IDAHO

BE IT ORDAINED by the Board of Directors of the Bayview Water and Sewer District of Kootenai County, Idaho, as follows:

WHEREAS, the Bayview Water and Sewer District of Kootenai County, Idaho (the "District") is a water and sewer district organized and existing under and pursuant to the laws of the State of Idaho; and

WHEREAS, the District has previously established L.I.D. No. 1, for the purpose of financing the construction of a public wastewater system (including collection and treatment facilities) to service its constituents, the construction of which facilities is nearing completion; and

WHEREAS, the District desires to assure that the use of the public wastewater system operated by it will conform to the best sanitary engineering practices; and

WHEREAS, the District desires to regulate the use of the public wastewater system operated by it, and also to regulate wastewater discharges that are not introduced into the wastewater system;

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Board of Directors of the Bayview Water and Sewer District as follows:

ARTICLE I.
DEFINITIONS

Section 1. Specific Definitions. Unless the context of usage indicates otherwise, the meaning of specific terms in this Ordinance shall be as follows:

ASTM shall mean the American Society for Testing and Materials.

Bayview Sewer System (or "System") shall mean the entire sewage collection, treatment, and disposal system constructed pursuant to LID No. 1, as expanded and/or modified from time to time, comprising all Building Sewers, the Collector System, and the Treatment Facility, as defined herein. The System includes all real and personal property and equipment and related rights necessary to the collection, transportation, treatment and disposal of raw sewage from areas within the jurisdiction of the District.

BOD (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter (mg/l).

Board or Board of Directors shall mean the Board of Directors of the District, as it may be constituted from time to time.

Building Drain shall mean that part of the piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes originating inside the walls of a building or a float house and conveys the discharge to the Building Sewer.

Building Sewer shall mean the septic tank to which a Building Drain is attached, and all downstream piping, pumps, and other equipment located between the Building Drain and the service connection of the Collector System.

Collector System shall mean the system of pipes, pumps, reservoirs, and other sewage collection and conveyance equipment owned by the District (now or in the future), whether by initial construction or by acquisition, operated for the purpose of collecting sewage effluent from individual properties and transporting such effluent to the Treatment Facility. The Collector System shall include all such equipment between the Building Sewers and the Treatment Facility as defined herein.

Day shall mean the 24 hour period beginning at 12:01 a.m.

District shall mean the Bayview Water and Sewer District, as its boundaries may be modified from time to time.

Easement shall mean an acquired legal right for the specific use of land owned by others.

EPA shall mean the United States Environmental Protection Agency.

Garbage shall mean the solid animal and vegetable wastes resulting from the domestic or commercial handling, storage, dispensing, preparation, cooking, and serving of foods.

Groundwater shall mean water within the earth.

Interference shall mean inhibition or disruption of any sewer system, wastewater treatment process, sludge disposal system, or their operation, which substantially contributes to a violation of this Ordinance, any applicable discharge permits, or other applicable law.

Natural Outlet shall mean any outlet into a watercourse, pond, ditch, lake, or any other body of surface or groundwater.

NPDES shall mean National Pollutant Discharge Elimination System permit program, whether administered by the EPA or by the State of Idaho.

Person shall mean any individual, firm, company, association, partnership, society, corporation, group, or other legal entity.

pH shall mean the logarithm of the reciprocal of the hydrogen ion concentration expressed in grams per liter of solution as determined by Standard Methods.

Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to discharge into the District's wastewater facilities.

Pretreatment Standard shall mean any regulation containing pollutant discharge limits promulgated by the EPA, which applies to users of the Bayview Sewer System.

Properly Shredded Garbage shall mean garbage that has been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in the wastewater sewers, with no particle greater than 1/2 inch in any dimension.

Sanitary Wastewater shall mean wastewater discharged from the sanitary conveniences of dwellings, office buildings, industrial plants, or institutions. Wastewater shall not be deemed sanitary if it includes industrial wastes or produces a flow, biochemical oxygen demand or suspended solids loading in excess of five percent (5%) of the average dry weather sewage flow measured at the Building Sewer, or if the flows are characterized

by biochemical oxygen demand or suspended solids concentrations above 250 milligrams per liter.

Standard Methods shall mean the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, Water Pollution Control Federation and American Water Works Association.

State shall mean the State of Idaho.

Storm Sewer shall mean a sewer for conveying storm, surface, and other waters, which is not intended to be transported to a treatment facility.

Surface Water shall mean water which occurs when the rate of precipitation exceeds the rate at which water may infiltrate into the soil.

Suspended Solids shall mean solids that either float on the surface of, or are in suspension in, water, sewage or other liquids, and which are removable by laboratory filtering.

Toxics shall mean any of the pollutants designated by Federal regulations pursuant to Section 307(a)(1) of the Federal Clean Water Act, as amended.

Treatment Facility shall mean the land and all improvements, equipment and other personal property located thereon, which is owned, operated and maintained by the District for purposes of receiving, treating and disposing of sewage effluent from the Collector System.

Wastewater shall mean a combination of liquid and water-carried wastes from residences, commercial buildings, industries, and institutions.

WPCF shall mean the Water Pollution Control Federation.

Section 2. General Definitions. Unless the context of usage indicates otherwise, the meaning of terms in this Ordinance (where not defined in Section 1 above) shall be as defined in Ordinance 90-1 or in the Glossary: Water and Wastewater Control Engineering prepared by the Joint Editorial Board of the American Public Health Association, American Society of Civil Engineers, American Water Works Association, and Water Pollution and Control Federation.

ARTICLE II.
GENERAL PROVISIONS

Section 1. Purpose. The purpose of this Ordinance is to provide for the maximum possible beneficial public use of the Bayview Sewer System through regulation of sewer use and wastewater discharges; and to provide procedures for complying with the requirements contained herein.

Section 2. Scope.

(a) The definitions of terms used in this Ordinance are found in Article 1. The provisions of this Ordinance shall apply to the discharge of all wastewater to the Bayview Sewer System. This Ordinance provides for the use of the System, control of the quantity and quality of wastewater discharged, wastewater pretreatment and treatment, assurance that existing customers' capacity will not be preempted, issuance of Wastewater Discharge Permits, minimum sewer connection standards and conditions, and penalties and other procedures in cases of violation of this Ordinance.

(b) This Ordinance shall apply to the Bayview Water and Sewer District and to persons outside the District who are, by contract or agreement with the District, users of the Bayview Sewer System.

Section 3. Administration. Except as otherwise provided herein, the Board shall administer, implement, and enforce the provisions of this Ordinance.

Section 4. Notice of Violation. Any person found in violation of this Ordinance or of any requirement of a permit issued hereunder, may be served with a written notice stating the nature of the violation and providing a reasonable time limit for compliance. Any such notice given shall be in writing and served in person or by registered or certified mail. The notice shall be sent to the last address of the violator known to the Board. Where the address is unknown, service may be made upon the owner of record of the property involved. If satisfactory action is not taken in the time allotted by the notice, Section 5 of this article shall be implemented.

Section 5. Violations.

(a) Any person who continues to violate the discharge provisions of this Ordinance or Ordinance 90-1 beyond the time limit provided for in Section 4 above, may be charged with commission of a misdemeanor and upon conviction

thereof, shall be fined not more than One Hundred Dollars (\$100.00), for each day the violation continues, or may be subject to disconnection from the System.

(b) Each day or portion thereof a violation continues shall constitute a separate violation.

Section 6. Fees and Charges.

(a) All fees, penalties, and charges payable under the provisions of this Ordinance or Ordinance 90-1 shall be paid to the District. Such fees, penalties, and charges shall be as set forth herein or in Ordinance 90-1 or as established by resolution of the Board at a regular or properly noticed special meeting of the Board.

(b) All fees, penalties, and charges collected by the Board under this Ordinance or Ordinance 90-1 or otherwise by resolution of the Board, shall be used for the purpose of operating and maintaining the Bayview Sewer System, the retirement of debt incurred for construction of the facilities, or for such other purpose as may be contemplated by law as a legal use of District funds.

(c) All fees, penalties, and charges payable under the provisions of this Ordinance or Ordinance 90-1 or pursuant to resolution are due and payable upon the receipt of notice thereof. Unpaid amounts shall become delinquent and shall be subject to penalty and interest charges as may be provided for by ordinance or resolution of the Board or by law.

(d) All accounts shall be set up in the name of the owner(s) of the property to which the fees and charges pertain, and such owner(s) shall be responsible for arranging payment. Alternate arrangements (e.g., accounts in a tenant's or property manager's name) may be made in the discretion of the Board, but the owner(s) shall remain responsible for payment.

Section 7. Inspections.

(a) A representative or representatives of the Board, bearing proper credentials and identification, shall be permitted to enter properties at any reasonable time for the purposes of inspection, observation, measurement, and sampling of the wastewater discharge to ensure that discharge to the Collector System is in accordance with the provisions of this Ordinance.

(b) A representative or representatives of the Board, bearing proper credentials and identification, shall be permitted to enter all private property through which the District holds an easement for the purposes of inspection, observation, measurement, sampling, repair, and maintenance of the Building Sewer lying within the easement, and to assure that the Building Drain is properly connected and operating. All entry and any subsequent work on the easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved.

(c) While performing the necessary work on private properties referred to in Sections 7(a) and (b) above, the Board' representative or representatives shall observe all reasonable safety rules established by the owner or occupant of the property and applicable to the premises.

(d) During the performance on private properties of inspections, wastewater sampling, or other similar operations referred to in Sections 7(a) and (b) above, the owner and occupant shall be: (1) held harmless for personal injury or death of the Board's representative or representatives and the loss of or damage to District supplies or equipment; (2) indemnified against loss of or damage to property of the owner or occupant by the Board; and (3) indemnified against liability claims asserted against the owner or occupant for personal injury or death of such individuals or for loss of or damage to property of the District, except as such may be caused by negligence or wilful misconduct of the owner or occupant, or by the failure of the owner or occupant to maintain safe conditions.

Section 8. Vandalism. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the Bayview Sewer System (Building Sewers, Collector System, Treatment Facility, and all appurtenances). Any person who violates this section shall be guilty of a misdemeanor and, upon conviction, is punishable by a fine in an amount not to exceed Two Hundred Fifty Dollars (\$250.00); such fine to be without prejudice to the right of the District to recover actual damages, costs, and attorneys fees incurred on account of the violation.

Section 9. Severability. A finding by any court or other jurisdiction that any part or provision of this Ordinance is invalid shall not affect the validity of any other part or provision of this Ordinance which can be given effect without the invalid parts or provisions.

Section 10. Amendments of the Ordinance. Public notice shall be given in accordance with applicable provisions of District ordinances and the law, prior to adoption of any amendments of this Ordinance.

ARTICLE III.
USE OF THE BAYVIEW SEWER SYSTEM

Section 1. Waste Disposal. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the District, or in any area under the jurisdiction of said District, any human or animal excrement, garbage, or other objectionable waste.

Section 2. Wastewater Discharges. It shall be unlawful to discharge without an NPDES and/or land application permit to any natural outlet within the District, or in any area under the jurisdiction of the District. Wastewater discharges to the Bayview Sewer System are not authorized unless approved by the Board in accordance with provisions of this Ordinance.

Section 3. Wastewater Disposal. Except as provided in this Ordinance, it shall be unlawful to construct or maintain, within the District or any area under the jurisdiction of the District, any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater. This prohibition shall not apply to septic tanks and other installations that are incorporated into the System according to the engineering design.

Section 4. Connection to Collector System Required. The owner of any property within the jurisdiction of this Ordinance shall be required to hook up to the Collector System according to the terms of Ordinance 90-1, or as otherwise directed by the Board according to authority granted by Idaho Code.

ARTICLE IV.
PRIVATE WASTEWATER DISPOSAL

Section 1. Private System Required. All houses, buildings, floathouses, or other properties which are required by other authority to have sanitary or other wastewater facilities, and which are subject to the jurisdiction of this Ordinance, but which are located where hook-up to the Bayview Sewer System cannot be required under Ordinance 90-1 or other applicable law, shall be equipped at the owner's expense, with suitable wastewater facilities connected to a private wastewater disposal system which complies with the provisions of this article.

Section 2. Concurrent Jurisdiction. The District shares jurisdiction over private wastewater systems with the Panhandle Health District. For so long as the Panhandle Health District exercises its jurisdiction over such systems, the Bayview Water and Sewer District shall defer all matters relating to private systems to the Panhandle Health District. However, the Bayview Sewer and Water District may, from time to time, enter into agreements with the Panhandle Health District for the joint control over such private systems.

Section 3. Construction Permit. Before commencement of construction of a private wastewater disposal system required under Section 1 above, the owner shall first obtain a written construction permit signed by the Panhandle Health District. The application for such permit shall be made on a form furnished or approved by the Panhandle Health District, which the applicant shall supplement by any plans, specifications, and other information relevant to wastewater discharges as are deemed necessary by such entity, and reflecting compliance with the requirements of the Panhandle Health District relating to type of system, design, capacity, location, and layout. To the extent that the Bayview Water and Sewer District desires to review plans or otherwise participate in decisions relating to a particular application, duplicate plans shall be submitted to, and an inspection fee in the amount of One Hundred Dollars (\$100.00) shall be paid to such District.

Section 4. Operating Permit. Before commencement of operation of a private wastewater disposal system, the owner shall first obtain a written operating permit signed by the Panhandle Health District (and by the Bayview Water and Sewer District, to the extent it desires to participate with respect to a particular application). The operating permit shall not become effective until the installation is completed to the satisfaction of the necessary entities.

Section 5. Connection to Collector System When Available. At such time as the Collector System becomes available and hook-up may be required pursuant to Ordinance 90-1, a direct connection shall be made to the Collector System according to Ordinance 90-1, and any septic tanks, cesspools, and similar wastewater disposal facilities (other than those that may be incorporated into the System) shall be emptied and filled with suitable material, according to the policies of the Idaho State Plumbing Bureau or other agency having jurisdiction.

Section 6. Sanitary Operation Required. The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times in accordance with the conditions of any operating permit, and at no expense to the District.

Such facilities shall be subject to inspection by the Board at reasonable times.

Section 7. Further Requirements. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Panhandle Health District or other applicable authority.

ARTICLE V.
BUILDING SEWERS AND CONNECTIONS

Section 1. Connection Permit.

(a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any element of the Bayview Sewer System without first obtaining a written permit from the Board.

(b) Permits for hook up to the System shall be obtained from the District according to the requirements of Ordinance 90-1.

(c) Where any part of the Building Sewer is to be taken over by the District, the permit shall be issued only when the District shall have received a recordable easement, on a form provided by the District, describing the right of District personnel to enter onto any private property involved, for purposes of maintaining, repairing, or replacing the District's facilities.

Section 2. Connection Costs. The costs and expenses incidental to the installation of the Building Drain and the Building Sewer, and the connection to the Collector System shall be borne by the owner. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by such installation and connection.

Section 3. Separate Connections Required. A separate and independent Building Sewer shall be provided for every building; provided that, where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the Building Sewer serving the front building may be extended to the rear building and the whole considered as one Building Sewer. The District assumes no obligation or responsibility for damage caused by or resulting from any single Building Sewer which serves two buildings.

Section 4. Existing Building Sewers. Existing Building Sewers may be used for connection of new buildings only when they

are found, on examination and test by the Board to meet the requirements of this Ordinance.

Section 5. Building Drain and Sewer Design. The size, slope, alignment, construction materials, trench excavation and backfill methods, pipe placement, jointing and testing methods used in the construction and installation of a Building Drain and/or Building Sewer shall conform to the building and plumbing code or other applicable requirements of the District. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF shall apply.

Section 6. Building Drain Elevation. Whenever practicable, the Building Sewer shall be brought to the Building Drain at an elevation below the basement floor. In buildings in which any Building Drain is too low to permit gravity flow to the Collector System, wastewater carried by such Building Drain and Building Sewer shall be lifted by an approved means and discharged to the Collector System by gravity.

Section 7. Surface Runoff and Groundwater Drains.

(a) No person shall connect roof, foundation, areaway, parking lot, roadway, or other surface runoff or groundwater drains to any sewer which is connected to the Bayview Sewer System.

(b) Roof, foundation, areaway, parking lot, roadway, or other surface runoff or groundwater drains shall discharge to natural outlets or storm sewers.

Section 8. Conformance to Applicable Codes.

(a) The connection of a Building Drain and Building Sewer into the Collector System shall conform to the requirements of the building and plumbing code or other applicable requirements of the District, or the procedures set forth in appropriate specifications of the ASTM or the WPCF. The connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved in writing by the Board before installation.

(b) The connection of a surface runoff or groundwater drain to a storm sewer or natural outlet designed to transport surface runoff or groundwater drainage shall conform to the requirements of the applicable building code or other requirements of the District.

Section 9. Connection Inspection. The applicant for a connection permit shall notify the Board when such connection is ready for inspection, prior to its connection to the Collector System and prior to the backfilling of any trench in which the line may be installed. Such connection and testing as deemed necessary by the Board shall be made under the supervision of the Board, and in accordance with the requirements of Ordinance 90-1.

Section 10. Excavation Guards and Property Restoration. Excavations for Building Drain and Building Sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District. Any encroachment onto the public right-of-way shall also require a valid permit issued by the Lakes Highway District.

Section 11. Protection of Capacity for Existing Users. The Board shall not issue a permit for any connection to the System, unless there is sufficient capacity in the System, not legally committed to other users, to convey and adequately treat the quantity of wastewater which the requested connection will add to the system. The Board may permit such a connection if there are legally binding commitments to provide the needed capacity.

ARTICLE VI.
CONDITIONS TO USE OF THE BAYVIEW
SEWER SYSTEM

Section 1. Special Uses of the System. All discharges of stormwater, surface water, groundwater, roof runoff, subsurface drainage, or other waters not intended to be treated in the Treatment Facility shall be made to storm sewers or natural outlets designed for such discharges. Any connection, drain, or arrangement which will permit any such waters to enter any other wastewater sewer shall be deemed to be a violation of this section and this Ordinance.

Section 2. Restricted Discharges.

(a) Except pursuant to special agreement with the Board, only sanitary wastewater, as defined herein, may be discharged to the Bayview Sewer System. Without limiting the generality of the sanitary wastewater restriction, no person shall discharge or cause to be discharged to the Bayview Sewer System any substances, materials, waters, or wastes in such quantities or concentrations which will:

1. Create a fire or explosion hazard including, but not limited to, gasoline, benzene, naphtha, fuel

oil, or other flammable or explosive liquid, solid, or gas;

2. Cause corrosive damage or hazard to structures, equipment, or personnel of the System, but in no case discharges with the following properties:

(i) having a pH lower than 5.0 or greater than 10.0 for more than 10% of the time in a 24-hour period;

(ii) having a pH lower than 3.5 or greater than 12.0 for any period exceeding 15 minutes.

These requirements may be modified for facilities designed to accommodate greater ranges;

3. Cause obstruction to the flow in the Collector System, or other interference with the operation of the System due to accumulation of solid or viscous materials;

4. Constitute a rate of discharge or substantial deviation from normal rates of discharge ("slug discharge"), sufficient to cause interference in the operation and performance of the System;

5. Contain heat in amounts which will accelerate the biodegradation of wastes, causing the formation of excessive amounts of hydrogen sulfide in the System or inhibit biological activity in the System, but in no case shall the discharge of heat cause the temperature in the Collector System to exceed 58°C (150°F) or the temperature of the influent to the Treatment Facility to exceed 40°C (104°F), unless the Board determines that the facilities can accommodate such heat;

6. Contain more than 100 milligrams per liter of nonbiodegradable oils of mineral or petroleum origin;

7. Contain floatable oils, fat, or grease;

8. Contain noxious, malodorous gas or substance which is present in quantities that create a public nuisance or a hazard to life;

9. Contain radioactive wastes in harmful quantities as defined by applicable state and federal regulations;

10. Contain any garbage that has not been properly shredded;

11. Contain any odor or color producing substances exceeding concentration limits which may be established by the Board for purposes of meeting any applicable NPDES and/or land application permit.

(b) If, in establishing discharge restrictions, discharge limits, or pretreatment standards pursuant to this Article, the Board establishes concentration limits to be met by an industrial user, the Board in lieu of concentration limits, may establish mass limits of comparable stringency for an individual industrial user at the request of such user.

Section 3. Greasetrap Requirement. A grease trap meeting the requirements of the latest edition of the Uniform Plumbing Code shall be required on the wastewater lines leading from all sinks, drains, or other fixtures or equipment in establishments such as restaurants, cafes, lunch counters, cafeterias, bars and clubs, commercial or school kitchens, or other establishments which in the opinion of the District, could introduce grease into the Bayview Sewer System at a rate or in a quantity which could hinder, clog, or otherwise interfere with the operation of the System. Upon application for connection to the System by the owner of such a facility, an authorized representative of the District shall inspect and determine whether the facility is properly equipped with an acceptable grease trap. The facility shall not be connected to the System until the grease trap has been installed and approved according to this Section. Once connected, the owner of the facility shall be responsible for proper cleaning, maintenance, and inspection of all grease traps in order to prevent the introduction of grease into the System. In addition to the penalties for violation of this Ordinance as set forth herein, and regardless of the occurrence of a technical violation, the District may charge the owner(s) of such facilities for unscheduled maintenance of septic tanks, screens and other elements of the Building Sewer resulting from grease originating from the facility. Unscheduled maintenance shall be defined as cleaning screens, pumping septic tanks, or flushing lines serving the facility more frequently than once per year.

Section 4. Federal Categorical Pretreatment Standards.

(a) No person shall discharge or cause to be discharged to any wastewater facilities, wastewaters containing substances subject to an applicable Federal Categorical Pretreatment Standard promulgated by EPA in excess of the quantity prescribed in such applicable pretreatment

standards except as otherwise provided in this section. Compliance with such applicable pretreatment standards shall be within 2 years of the date the standard is promulgated; provided, however, compliance with a categorical pretreatment standard for new sources shall be required upon promulgation.

(b) Upon application by a particular user, the Board may revise any limitations on substances specified in the applicable pretreatment standards to reflect removal of the substances by the Treatment Facility. The revised discharge limit for specified substances shall be derived in accordance with Federal law.

(c) Upon application by a particular user, the Board may adjust any limitation on substances specified in the applicable pretreatment standards to consider factors relating to such user which are fundamentally different from the factors considered by EPA during the development of the pretreatment standard. Requests for and determinations of a fundamentally different adjustment shall be in accordance with Federal law.

(d) The Board shall notify any user affected by the provisions of this Section and establish an enforceable compliance schedule for each.

Section 5. Special Agreements. Nothing in this article shall be construed as preventing any special agreement or arrangement between the District and any user of the System whereby wastewater of unusual strength or character is accepted into the System and specially treated subject to any payments or user charges as may be applicable.

Section 6. Water and Energy Conservation. The conservation of water and energy shall be encouraged by the Board. In establishing discharge restrictions upon particular users, the Board shall take into account already implemented or planned conservation steps revealed by the user. Upon request of the Board, each such user will provide the Board with pertinent information showing that the quantities of substances or pollutants have not been nor will be increased as a result of the conservation steps. Upon such a showing to the satisfaction of the Board, the Board shall make adjustments to discharge restrictions, which have been based on concentrations, to reflect the conservation steps.

Section 7. Costs of Damage. If the drainage or discharge from any establishment causes a deposit, obstruction, or damage to any element of the Bayview Sewer System, the Board shall cause

the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost for such work, including materials, labor, and supervision shall be borne by the owner of the property from which the drainage or discharge originated.

ARTICLE VII.
PRETREATMENT

Section 1. Wastewaters with Special Characteristics.

(a) While the Board should initially rely upon the Federal Categorical Pretreatment Standards of Section 4 of Article VI to protect the System and the environment, if any wastewater which contains substances or possesses characteristics shown to have deleterious effect upon the System or the environment, or constitutes a public nuisance or hazard, is discharged or is proposed for discharge to the System, the Board may:

1. Require pretreatment to a condition acceptable for discharge to the System,
2. Require control over the quantities and rates of discharge,
3. Require payment to cover added cost of handling and treating the wastewaters not covered by existing fees or charges,
4. Require the development of compliance schedules to meet any applicable pretreatment requirements,
5. Require the submission of reports necessary to assure compliance with applicable pretreatment requirements,
6. Carry out all inspection, surveillance, and monitoring necessary to determine compliance with applicable pretreatment requirements,
7. Obtain remedies for noncompliance by any user. Such remedies may include injunctive relief, the civil penalties specified in Article II of this Ordinance, or appropriate criminal penalties, or
8. Reject the wastewater, if scientific evidence discloses that discharge will create unreasonable

hazards or have unreasonable deleterious effects on the System.

(b) When considering the above alternatives, the Board shall assure that conditions of any applicable NPDES and/or land application permit are met. The Board shall also take into consideration cost effectiveness and the economic impact of the alternatives on the discharger. If the Board allows the pretreatment or equalization of wastewater flows, the installation of the necessary facilities shall be subject to review. The Board shall review and recommend any appropriate changes to the program, within sixty (60) days of submittal.

(c) Where pretreatment or flow-equalizing facilities are provided or required for any wastewater, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner.

Section 2. Compliance with Pretreatment Requirements. Persons required to pretreat wastewater in accordance with Section 1 above, shall provide a statement, reviewed by an authorized representative of the user and certified to by a qualified person indicating whether applicable pretreatment requirements are being met on a consistent basis and, if not, describe the additional operation and maintenance or additional pretreatment required for the user to meet the pretreatment requirements. If additional pretreatment or operation and maintenance will be required to meet the pretreatment requirements, the user shall submit a plan (including schedules) to the Board. The plan (including schedules) shall be consistent with applicable conditions of any applicable NPDES and/or land application permit or other local, state or federal laws.

Section 3. Monitoring Requirements. Discharges of wastewater to the Bayview Sewer System from the facilities of any user shall be monitored in accordance with the provisions of Article VII, Sections 2 and 3 of this Ordinance.

Section 4. Effect of Federal Law. In the event that the Federal government promulgates a regulation for a given new or existing user in a specific industrial category that establishes pretreatment standards or establishes that such a user is exempt from pretreatment standards, such Federal regulations shall immediately supersede Section 1(a) of this article.

Section 5. Revision of Pretreatment Standards. The Board shall promptly apply for and obtain authorization from the EPA to revise discharge limitations for those substances listed in the Federal Categorical Pretreatment Standards for which consistent

removal occurs in the wastewater treatment facilities of the District. The Board shall not adopt or enforce discharge limitations more stringent than the requested limitations until the state or EPA acts on the application.

ARTICLE VIII.
MISCELLANEOUS

Section 1. Enforceability Clause. The District shall enforce and seek remedies for breaches of the terms of this Ordinance, as provided by the laws of the State of Idaho.

Section 2. Repealer Clause. All ordinances or resolutions of this District or parts thereof, insofar as they are in conflict with this Ordinance, are hereby repealed and rescinded.

Section 3. Severability Clause. If any article, section, subsection, sentence, or provision hereof or the application thereof to any particular circumstance shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

Section 4. Effective Date. This Ordinance shall be in full force and effect upon its publication according to law in the Coeur d'Alene Press, a newspaper of general distribution in the District, and hereby designated as the official newspaper for the publication of this Ordinance.

PASSED AND ADOPTED the 20th day of January, 1992.

ATTEST:

Barbara F. Mikulich
District Secretary

Paul F. Blum
Board Chairman

CERTIFICATE OF ADOPTION OF ORDINANCE

I, the undersigned, as Secretary of the Bayview Water and Sewer District of Kootenai County, Idaho, hereby certify that the foregoing Ordinance is a full, true, and correct copy of an Ordinance duly adopted at a meeting of the Board of Directors of said District, duly and regularly held on January 20, 1992, of which meeting all members of said Board had due notice, and at which meeting a majority thereof were present; and that at said meeting said Ordinance was adopted by the following vote:

AYES, and in favor thereof, Directors:

Paul Blum Barbara Malnerich
Leroy Ellis Charles Waller

NOES, Directors:

None

ABSENT, Directors:

William Spaulding

ABSTAINED, Directors:

None

I further certify that I have carefully compared the same with the original Ordinance on file and of record in my office; that said Ordinance is a full, true, and correct copy of the original Ordinance adopted at said meeting; and that said Ordinance has not been amended, modified, or rescinded since the date of its adoption, and is now in full force and effect.

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of said District on January 20, 1992.

Barbara Malnerich
District Secretary